

Such a decision may have been correct under the New York Statute, but is not an authority in the case arising under our Act of 1890.

It is clearly to be seen that when the voter is handed three ballots, two of which are identical in internal and external appearance, and differ from the third in the designation of the polling place on the back thereof, that all who see a voter vote such third ticket or ballot know how he votes and for whom he votes, especially if they know that the variance occurred on party's ticket "only." It was known that such error occurred on the official ballot of the Republican party "only," and therefore, when a voter after receiving three separate tickets on separate or separable pieces of paper, retired to a voting booth, selected one of the three, and handed it to the Judges of Election, with the designation of place in full view, and that designation was different from that on the other two ballots, it was apparent to all who saw it—the bystanders, as well as the officers of election—that he had voted the Republican ticket, and the secrecy of the ballot was gone.

As the Court says in its opinion: "Now, it is perfectly plain, and it is not disputed that, by variance in the numbering of the polling place, in the official endorsement, these ballots in question were distinguishable from the ballots which were prepared, given out and cast by the "supporters of other political parties," and "every ballot deposited was marked, or could be identified as a Republican vote."

Not so under the Maryland Statute.

It requires that the official ballot shall contain on "one piece" of paper the tickets of "all" the political parties, and thus makes them inseparable.

The change made in the designation of the polling place, therefore, on "all" the ballots cast at this precinct could not and did not destroy the secrecy of the ballot, by enabling any one to know or ascertain from such change how any voter voted. In the New York case, such change of variance was a distinguishing mark, and the New York Statute "prohibits" such ballots from being deposited in the box; while in this case, under our law, the change was not a dis-